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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE SEP 23 2003

In re Application of

Atty. Docket

CORNELISSEN ET AL

NL010089

Serial No. 10/077,060

Group Art Unit: 2875

Filed: February 15, 2002

Examiner: Alan B. Cariaso

ILLUMINATION SYSTEM AND DISPLAY DEVICE

Honorable Commissioner of Patents and Trademarks
Arlington, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION

I certify that this correspondence is being:

☐ deposited with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.☒ transmitted by facsimile to the U.S. Patent and Trademark Office at 703-872-9319On: Sept. 24, 2003By: Chase DeLucyPETITION

Sir:

Applicants respectfully petition the Commissioner of Patents and Trademarks, under the Provisions of 37 CFR 1.181, to exercise his supervisory authority in order to direct the Examiner to withdraw the final rejection dated 8/7/03.

The final rejection sets forth new grounds of rejection based upon newly cited prior art to Harter, Jr. (USP 6,447,132) and German Patent (DC20007134), that was not necessitated by applicants' prior amendment filed 5/12/03. More particularly, in the final rejection,

claims 1, 2, 6 and 7 were rejected under 35 USC 102(e) as being anticipated by Harter, Jr. (paragraphs 12 and 13 of the final rejection) and claim 1 was rejected under 35 USC 102(e) as being anticipated by German patent DC20007134 (see paragraphs 15 and 16 of the final rejection).

In applicants' amendment of 5/12/03, the only amendment to claim 1 was the deletion of the superfluous reference labels, as was the case for dependent claim 6. Such an amendment clearly did not materially alter the scope of these claims and therefore did not necessitate the citation of new art, Harter, Jr. and the German patent, and the new grounds of rejection (35 USC 102) based on such new prior art.

As to claim 2, it was amended in order to more clearly set out its original intended meaning. The definition of the word "comprise" is --to consist or be made up of--. Thus, it is not quite accurate to claim light-emitting diodes "comprise" a light emission wave length, as in original claim 2. More accurately, the light emitting diodes "produce" a light emission wave length, and claim 2 was amended in order to reflect its true meaning, not to alter its scope etc.

The prior amendment of 5/12/03 clearly did not necessitate the citation of new art or the new grounds of rejection set forth in paragraphs 12, 13, 15 and 16 of the final rejection. Furthermore, the final rejection does not even allege that the prior amendment necessitated the new art, or the new grounds of rejection, must less

present any factual support for such an unusual action.

Withdrawal of the finality of the Office Action of 8/7/03 is therefore respectfully requested.

Respectfully submitted,

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